

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-59-3BO

UNITED STATES OF AMERICA)
v.)
RICKY FRANKS)

ORDER

This cause comes before the Court on defendant's *pro se* motion for return of property. [DE 223]. Defendant states that his co-defendant's motion pursuant to 28 U.S.C. § 2255 has been decided and that there is no longer any need to hold his property. Defendant asks to be compensated if his property has been lost or stolen.

The government has previously opposed defendant's motion to return his jacket, cell phone, and shoes during the pendency of his co-defendants' post-trial proceedings. *See* [DE 185; 216]. In light of this, the Court has denied defendant's motion to return these items without prejudice. [DE 193; 220].

In response to the instant motion, the government has asked that defendant's motion again be denied without prejudice so that his co-defendant Williams' § 2255 appeal may be completed. [DE 234]. However, since the filing of the government's response, Williams' appeal has been dismissed by the court of appeals for failure to prosecute. *See United States v. Williams*, 5:15-CR-59-2BO (E.D.N.C.) [DE 235, 236].

Accordingly, the government is DIRECTED to respond within ten (10) days of the date of entry of this order as to its position on the return of defendant's jacket, cell phone, and shoes.

SO ORDERED, this 6 day of March, 2019.

Terrence Boyle
TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE